



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building

Philadelphia, Pennsylvania 19107-4431

DEC 13 1993

James M. Salvaggio, Director
Bureau of Air Quality Control
Pennsylvania Dept. of Environmental Resources
400 Market Street, 12th Floor
P.O. Box 8468
Harrisburg, Pennsylvania 17105-8468

Dear Mr. Salvaggio:

This is to follow-up the September 29 and October 19, 1993 conference calls in which we discussed potential options for addressing the Clean Air Act TCM SIP requirements specified in section 182(d)(1)(A) of the Act and discussed in my August 31, 1993 letter to you. In consultation with our Offices of Mobile Sources and General Counsel, EPA Region III has evaluated Pennsylvania's alternatives in light of the associated SIP timing problem and the problems expressed by your office with obtaining state legislative approval of committal SIPs in general.

As you are aware, section 182(d)(1)(A) requires that specific, enforceable transportation control strategies and transportation control measures selected by the Commonwealth be submitted by November 15, 1992, along with a demonstration that they are adequate to hold vehicle emissions within the requisite ceiling. It also states that these measures, beyond offsetting growth in emissions, shall be sufficient to allow total area emissions to comply with the Reasonable Further Progress (RFP) and attainment requirements of the Act. However, EPA has observed that these three requirements (i.e. offsetting growth in emissions, attainment of the RFP/15% reduction, and attainment of the NAAQS for Ozone) create a timing problem of which Congress was perhaps not fully aware. As discussed in EPA's April 16, 1992 General Preamble to Title I of the Clean Air Act (57 FR 13498) ozone nonattainment areas affected by this provision are not otherwise required to submit a SIP demonstration which predicts attainment of the 1996 RFP milestone until November 15, 1993, and likewise are not required to demonstrate post-1996 RFP and attainment until November 15, 1994. EPA does not believe that Congress intended the offset growth provision to advance the dates for these broader submissions. Further, EPA believes that

the November 15, 1992 date would not allow sufficient time for States to fully develop a specific set of measures that would comply with all of the requirements of the TCM SIP over the long term.

To deal with this timing problem so as to allow a more coordinated and comprehensive planning process, EPA stated in the General Preamble that it would accept committal SIP revisions for the VMT offset growth requirement under the authority of section 110(k)(4). This approach allows States 1 year from EPA conditional approval of the committal revision to submit the full revision containing sufficient measures in specific and enforceable form, and avoids advancing the due dates for the RFP and attainment SIP submittals. EPA's General Preamble discusses this committal SIP option in more detail.

For the Commonwealth of Pennsylvania, which has chosen not to submit a committal SIP, the above solution to the timing problem is not feasible, and, without an alternative that does not involve the use of a committal SIP, the Commonwealth would be forced to submit the RFP/15% and attainment SIPs early. EPA does not believe that States that did not choose to employ the discretionary committal SIP approach should be disadvantaged by having to submit their RFP and attainment SIPs early, especially if other approaches are available that result in greater environmental benefit than the committal SIP approach. In order to reconcile the timing conflict mentioned above for Pennsylvania and other States that chose not to use the committal SIP solution, EPA is now providing the following alternative which actually results in emissions reductions before the State is required to achieve them under the committal SIP route: Within the framework of the statutory TCM SIP requirements, it is EPA's view that the three required elements of the TCM SIP are separable, and can be divided into three separate submittals that could be submitted on different dates. Section 179(a) of the Act requires EPA to apply mandatory sanctions if a State fails to submit the full plan (e.g. the entire 3 element TCM plan required by section 182(d)(1)(A)) or if the State fails to submit one or more of its elements -- as determined by the Administrator. Given the continued timing problems addressed above, EPA believes it is appropriate to allow States to separate the TCM SIP into three elements, each of which could be submitted at different times in final rather than committal form. If a State fails to submit any element by its specific due date, the mandatory sanctions clock would start for the failure to submit that element.

Under this approach, the first element of section 182(d)(1)(A), the VMT offset element, would have been due on November 15, 1992. This element is distinct from the latter two elements in that a State's development of this element is not necessarily dependent on the development of the other elements, and the requirement to submit a SIP revision for the VMT offset element does not implicate the timing problem of advancing the

deadlines for RFP or attainment demonstrations. Consequently, EPA does not believe it necessary to extend the deadline for the VMT offset element's submittal.

The second element, which requires the TCM SIP to comply with the 15% periodic reduction requirements of the Act, would have been due on November 15, 1993. EPA believes that it is reasonable to extend the deadline for this element to the date on which the entire 15% periodic reduction SIP was due under section 182(b)(1) of the Act, as this allows States to develop a more comprehensive strategy to address the 15% reduction requirement and assure that the TCM elements of that strategy required under section 182(d)(1)(A) are consistent with the remainder of the 15% demonstration.

The third element, which requires the TCM SIP to comply with the post-1996 periodic reduction and attainment requirements of the Act, would not be due until November 15, 1994. EPA believes the deadline for this element can be reasonably extended because the broader post-1996 periodic reduction and attainment SIP demonstrations are not due until that date. Again, allowing such extension will enable States to ensure that the TCM elements of the broader submittals are consistent with States' overall post-1996 periodic reduction and attainment strategies.

Moreover, it is arguably impossible for a State to make the showing required by section 182(d)(1)(A) -- for both the second and the third elements -- until the broader periodic reduction and attainment demonstrations have been developed by the State. Finally, EPA observes that this new approach of dividing up the elements of section 182(d)(1)(A) into separate submittals due at different times is at least as stringent as the committal SIP approach discussed in the General Preamble, and will bring environmental benefits sooner than the committal approach since the first and second elements would have been due, and implemented, before otherwise required under the committal SIP approach.

In Pennsylvania's case, we would treat the finding of failure to submit the SIP required under section 182(d)(1)(A), which EPA made on January 15, 1993, as applying to that portion of the TCM SIP that was due November 15, 1992: the VMT emission offset portion of 182(d)(1)(A). The sanctions clock would, therefore, be stopped by the submittal of that element of the TCM SIP. Similarly, findings of failure to submit, and accompanying sanctions clocks, would apply if Pennsylvania fails to submit the other two elements required under 182(d)(1)(A). As discussed above, those elements regard the 15 percent emission reduction and the attainment demonstration (and post-1996 emission reduction) SIP requirements due on November 15, 1993 and November 15, 1994, respectively. Any findings letters for those submittals, and the starting of any sanctions clocks, would be pursuant to the broader SIP submittal requirements and the corresponding elements of section 182(d)(1)(A).

Our intention with this approach is to provide your office an alternative to the committal SIP approach and to bring Pennsylvania's TCM SIP submittal timing requirements into more of a par with the timing requirements applicable to other states affected by section 182(d)(1)(A) requirements.

We trust that this clarifies EPA's position regarding TCM SIP submittal requirements and provides Pennsylvania an option that would allow the State to meet the requirements of section 182(d)(1)(A). Feel free to call me at (215) 597-9390, or Bruce Smith at (215) 597-6361, if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Thomas J. Maslany', written in a cursive style.

Thomas J. Maslany, Director
Air, Radiation and Toxics Division

cc: Marsha Blank (PA DOT)
Jim Smedley (FHWA)
Phil Lorang (EPA OMS)

JAMES W. GERLACH, MEMBER
HOUSE POST OFFICE BOX 160
1401 EAST WING, MAIN CAPITOL
HARRISBURG, PENNSYLVANIA 17120-0028
PHONE: (717) 783-2649

EAGLE MEDICAL ASSOCIATES BUILDING
SUITE 3, ROUTE 100
VILLAGE OF EAGLE

MAILING ADDRESS
PO BOX 293
UNIONLAND, PA 19480
PHONE: (215) 455-6010



House of Representatives

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

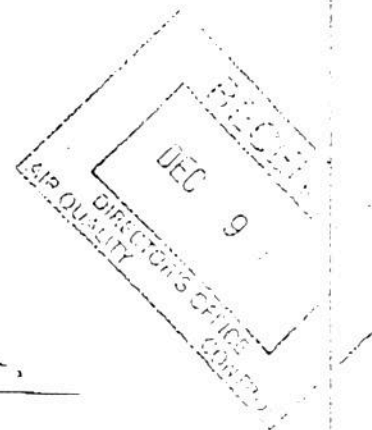
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BUSINESS AND ECONOMIC DEVELOPMENT
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December 8, 1993

TO: November 29, 1993 ETR Meeting Attendees
FROM: Representative Jim Gerlach
SUBJECT: Meeting Summary



The individuals listed on the attached attendance sheet met on the above date to discuss the status of implementation of an employer trip reduction program in the Commonwealth of Pennsylvania, as mandated by the Federal Clean Air Act, and to discuss possible avenues of redress to halt implementation.

We first discussed the procedural steps that can be undertaken to contest the necessity for implementation of ETR in southeastern Pennsylvania. They are:

1. A petition by the Governor to the EPA for reclassification of the region,
2. Admission by the EPA that the original classification of the region as severe non-attainment was in error,
3. A citizens legal action to halt implementation.

Discussion then centered around the specific bases upon which these procedural avenues can be more fully explored and utilized. They are:

1. Need to acquire additional information on the extent and process utilized by the EPA in its review of the SAI and ERM studies which led to its October 27, 1993 letter to DER's James Salvaggio.

2. Need to acquire the EPA's upcoming report to Congress regarding the methodology it employed in the assignment of classification designations pursuant to the Clean Air Act.

-2-

3. Need to unify and coalesce the efforts of state and federal government officials, employers and employees on this issue.

Jim Salvaggio indicated that DER Secretary Arthur Davis is prepared to go to Washington, D.C. to meet with the EPA administrator, Carol Browner, to discuss the various subjects raised during this regulatory proposal process. It was felt that, in order to have Secretary Davis, and any other attendees fully prepared for such an important meeting, the following should be undertaken:

1. PENNJERDEL will attempt to acquire pertinent information on the EPA's review of the SAI and ERM studies as outlined in the October 27, 1993 letter referenced above at its December 7, 1993 meeting with the EPA.

2. Information will be sought as to when the EPA intends to issue its report to Congress regarding the methodology employed in classification designation.

3. In the event the question is raised as to what alternative approaches southeastern Pennsylvania employers and employees will be willing to undertake to address the ozone problem in lieu of an employer trip reduction program, PENNJERDEL and interested employee representatives will attempt to discuss and arrive at a consensus on alternative approaches and activities to employer trip reduction so that air quality compliance can occur within the time periods prescribed by the Clean Air Act.

4. Letters of support for reclassification should be generated from state and federal lawmakers in time for Secretary Davis' meeting with the EPA.

5. Letters of support will be sought from Governor Casey and Lieutenant Governor Singel for that proposed meeting.

By acquiring the above information and support, we will hopefully provide Secretary Davis and PENNJERDEL with additional grounds to effectively present to the EPA the need to reconsider its severe non-attainment classification designation of southeastern Pennsylvania. Such information will also, hopefully, provide a specific direction as to how to proceed procedurally with opposing implementation of ETR in the event Secretary Davis' meeting with the EPA does not bring about the relief desired.

JWG:cmg

November 29, 1993 ETR Meeting
Attendees

<u>Name</u>	<u>Organization</u>
Rep. Jim Gerlach	155th District
Rep. Tony Melio	141th District
Liz Ferry	PENJERDEL Council
Jack Pounds	Betz Laboratories
Nick Nagurny	Scott Paper Company
Charles Hossack	Lukens Inc.
Harry Haines	LU#1165 Steelworkers
Jim DeBord	USWA International
Jim O'Brien	Lukens Inc.
George Brunell	U.S. Steel Local 4889
Norm Rodowicz	U.S. Steel Fairless
Jim Seif	PENNJERDEL Council
Jim Salvaggio	PA DER
Phil Schuller	Lt. Governor's Office



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Office of the Secretary
P.O. Box 2063
Harrisburg, PA 17105-2063

November 12, 1993

717-787-2814

RECEIVED
Air & Radiation Programs
Branch (3AT10)

NOV 12 1993

EPA, REGION III

Mr. Stanley L. Laskowski
Acting Regional Administrator
U.S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107

Dear Mr. Laskowski: *SL*

Enclosed please find redesignation submittals under Section 107(d) of the Clean Air Act for the Pittsburgh ozone nonattainment area and the Reading ozone nonattainment area.

These submittals (1) demonstrate that the subject areas have attained the National Ambient Air Quality Standard for ozone and (2) include, in accordance with Section 175 A of the Clean Air Act, maintenance plans as amendments to the Pennsylvania State Implementation Plan (SIP).

Should you have any questions regarding these submittals, please contact Mr. James M. Salvaggio, Director, Bureau of Air Quality Control at (717) 787-9702.

Sincerely,

Arthur A. Davis
Secretary
Department of Environmental Resources

Enclosures



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Office of the Secretary
P.O. Box 2063
Harrisburg, PA 17105-2063
November 2, 1993

3AT10
[Handwritten signature]

Mr. Stanley L. Laskowski
Acting Regional Administrator
U.S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107

Dear Mr. Laskowski: *S. Laskowski*

As mandated in the Federal Register, 40 CFR Part 51, I am enclosing five copies of the State Implementation Plan (SIP) for the Enhanced I/M Program, which will become the responsibility of the Pennsylvania Department of Transportation to implement and monitor beginning in calendar year 1995.

The Department of Transportation has satisfied all of the legal and statutory requirements as set forth by Pennsylvania Act 95 of 1992 which requires a public comment period and review before the Environmental Quality Board. These steps have been completed and this SIP is being delivered to you in advance of the November 15, 1993, deadline.

This SIP contains the following information required to satisfy the completeness review by EPA:

1. Public Comments and the Commonwealth's responses regarding the Enhanced I/M Regulations and the SIP;
2. A copy of the Pennsylvania Enhanced I/M Regulations;
3. A copy of the Statutory Authority to implement the Enhanced I/M Program which is Act 166 of 1992;
4. Photocopies of the background, introduction and text of the Enhanced I/M regulations as they appeared in the Pennsylvania Bulletin; and
5. Photocopies of the Public Notice published in the newspapers and the Pennsylvania Bulletin announcing the public comment period and hearing dates for both the Enhanced I/M Regulations and the SIP.

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Ozone & Mobile Sources
Section (3AT13)

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EPA, REGION III

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Air & Radiation Programs
Branch (3AT10)

NOV 5 1993

EPA, REGION III

Mr. Stanley L. Laskowski

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November 2, 1993

If you have comments or concerns, please address them directly to Mario Pirritano, Deputy Secretary for Safety Administration, Pennsylvania Department of Transportation, 1200 Transportation & Safety Building, Harrisburg, PA 17120.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur A. Davis". The signature is fluid and cursive, with the first name "Arthur" being more prominent and the last name "Davis" following in a similar style.

Arthur A. Davis

Secretary

Department of Environmental Resources



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

NOV 01 1993

Honorable Robert S. Walker
House of Representatives
Washington, D.C. 20515

Dear Mr. Walker:

Thank you for your letter of October 13, 1993 to Administrator Browner regarding the Philadelphia severe ozone nonattainment classification. Your letter also included copies of two studies commissioned by PenJerDel in support of the reclassification of Philadelphia to serious ozone nonattainment.

PenJerDel's report concludes that the Philadelphia ozone nonattainment area does not need to implement the Employer Trip Reduction (ETR) program because the area was incorrectly classified as severe based on an unreliable monitored ozone reading in Chester, Pennsylvania on September 11, 1989. According to PenJerDel, this monitored value should have been discarded because of traffic congestion on the day in question. PenJerDel also concludes that the next highest monitored ozone exceedance was in the serious nonattainment range, not severe. PenJerDel implicitly questions EPA's methodology on how ozone design values are calculated and offers other statistical tests to show that, using these other tests, the design value would not be in the severe nonattainment range. In support of a lower classification of "serious" for the Philadelphia nonattainment area, PenJerDel also asserts that the Philadelphia area can attain the ozone standard by November 15, 1999, which is the statutory deadline for serious ozone nonattainment areas.

EPA has evaluated the PenJerDel report and determined that the facts do not support its conclusions. In the first instance, traffic congestion in the area of a monitor typically results in localized decreased ozone monitored values because of increased nitrogen oxide formation which scavenges ozone. Ozone formation is a gradual process which would not be expected to occur at the site of the generation of the precursors, but instead, downwind from that site. Therefore, increased emissions from vehicle traffic around the Chester monitor might be expected to result in increased ozone readings at monitors downwind from Chester but not at the Chester monitor itself.

Secondly, the monitors in the Philadelphia nonattainment area all showed monitored values in approximately the same range, during the three year period between 1987 and 1989, with exceedances ranging from 0.140 ppm to 0.249 ppm. In fact, the next highest monitoring-site design value in the Philadelphia nonattainment area was at Lums Pond. That value was 0.180 ppm which was also in the severe nonattainment range, not in the "serious" range as claimed by PenJerDel. With specific regard to September 11, 1989, it should be noted that the peak ozone values at the other monitors in the Philadelphia nonattainment area were recorded at the same time as the Chester monitor's peak value.


Thirdly, section 181(a)(1) of the 1990 Clean Air Act requires design values to be calculated in accordance with EPA's methodology most recently issued before November 15, 1990. This methodology is that described in the June 18, 1990 memorandum from William G. Laxton, Director, Technical Support Division, to Regional Air Division Directors. This specific methodology has been used in calculating ozone design values since 1987. The final rulemaking on the designation and classification of areas published in the Federal Register on November 6, 1991 used the methodology described in the June 1990 memorandum to determine ozone design values and to classify areas with respect to ozone.

Finally, the data on vehicle miles traveled (VMT) show a growing trend in this emission indicator. EPA finds no reliable basis for concluding that the Philadelphia area can attain the ozone standard by 1999.

EPA has found no reason to conclude that an error was made in classifying the Philadelphia ozone nonattainment area as severe. Consequently, section 110(k)(6) of the Clean Air Act, which authorizes the Agency to correct errors in the classification or reclassification of areas, cannot serve as a basis for reclassifying Philadelphia from severe to any other ozone classification. It should also be noted that although the final rulemaking action classifying the area was promulgated on November 6, 1991, no petitions for reconsideration were filed under the Administrative Procedures Act, nor were any comments filed suggesting changes to the final action as explained in the final rulemaking notice.

Thus, the Philadelphia ozone nonattainment area will continue to be classified as severe and, the ETR program, as well as all other Clean Air requirements for severe ozone nonattainment areas, will continue to be required for the Philadelphia area. EPA continues to support the Commonwealth in the development of all programs needed to attain and maintain the ozone standard in the Philadelphia severe ozone nonattainment area, including stationary, mobile and area source measures.

Sincerely,



Stanley L. Laskowski
Acting Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

OCT 27 1993

James M. Salvaggio, Director
Bureau of Air Quality
Pennsylvania Department of Environmental Resources
P.O. Box 8468
Harrisburg, Pennsylvania 17105-8468

Dear Mr. Salvaggio:

This letter is in reply to your September 21, 1993 request that EPA respond to a report forwarded to the Pennsylvania Department of Environmental Resources (PADER) by PenJerDel, dated September 16, 1993, on the Philadelphia-Wilmington-Trenton ozone nonattainment area, commonly referred to as the Philadelphia area.

PenJerDel's report concludes that the Philadelphia ozone nonattainment area does not need to implement the Employer Trip Reduction (ETR) program because the area was incorrectly classified as severe based on an unreliable monitored ozone reading in Chester, Pennsylvania on September 11, 1989. According to PenJerDel, this monitored value should have been discarded because of traffic congestion on the day in question. PenJerDel also concludes that the next highest monitored ozone exceedance was in the serious nonattainment range, not severe. PenJerDel implicitly questions EPA's methodology on how ozone design values are calculated and offers other statistical tests to show that, using these other tests, the design value would not be in the severe nonattainment range. In support of a lower classification of "serious" for the Philadelphia nonattainment area, PenJerDel also asserts that the Philadelphia area can attain the ozone standard by November 15, 1999, which is the statutory deadline for serious ozone nonattainment areas.

EPA has evaluated the PenJerDel report and determined that the facts do not support its conclusions. In the first instance, traffic congestion in the area of a monitor typically results in localized decreased ozone monitored values because of increased nitrogen oxide formation which scavenges ozone. Ozone formation is a gradual process which would not be expected to occur at the site of the generation of the precursors, but instead, downwind from that site. Therefore, increased emissions from vehicle traffic around the Chester monitor might be expected to result in increased ozone readings at monitors downwind from Chester but not at the Chester monitor itself.

Secondly, the monitors in the Philadelphia nonattainment area all showed monitored values in approximately the same range, during the three year period between 1987 and 1989, with exceedances ranging from 0.140 ppm to 0.249 ppm. In fact, the next highest monitoring-site design value in the Philadelphia nonattainment area was at Lums Pond. That value was 0.180 ppm which was also in the severe nonattainment range, not in the "serious" range as claimed by PenJerDel. With specific regard to September 11, 1989, it should be noted that the peak ozone values at the other monitors in the Philadelphia nonattainment area were recorded at the same time as the Chester monitor's peak value.

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Finally, the data on vehicle miles traveled (VMT) show a growing trend in this emission indicator. EPA finds no reliable basis for concluding that the Philadelphia area can attain the ozone standard by 1999.

EPA has found no reason to conclude that an error was made in classifying the Philadelphia ozone nonattainment area as severe. Consequently, section 110(k)(6) of the Clean Air Act, which authorizes the Agency to correct errors in the classification or reclassification of areas, cannot serve as a basis for reclassifying Philadelphia from severe to any other ozone classification. It should also be noted that although the final rulemaking action classifying the area was promulgated on November 6, 1991, no petitions for reconsideration were filed under the Administrative Procedures Act, nor were any comments filed suggesting changes to the final action as explained in the final rulemaking notice.

Thus, the Philadelphia ozone nonattainment area will continue to be classified as severe and, the ETR program, as well as all other Clean Air requirements for severe ozone nonattainment areas, will continue to be required for the

Philadelphia area. EPA continues to support the Commonwealth in the development of all programs needed to attain and maintain the ozone standard in the Philadelphia severe ozone nonattainment area, including stationary, mobile and area source measures. If you have any questions about our analysis, please contact Ms. Marcia L. Spink, Chief, Air & Radiation Programs Branch at (215) 597-4713.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marcia L. Spink".

Thomas J. Maslany, Director
Air, Radiation & Toxics Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

OCT 15 1993

Honorable Mario D. Pirratano
Deputy Secretary
Safety Administration
Commonwealth of Pennsylvania
Department of Transportation
Harrisburg, Pennsylvania 17120

Dear Mr. Pirratano:

Thank you for your letter of October 1, 1993 asking us to address the issues raised in a September 20, 1993 letter sent to Acting Governor Singel from the Service Station and Automotive Repair Association of Pennsylvania and Delaware. The September 20th letter questioned EPA's policy on the automobile enhanced inspection and maintenance (I/M) program in light of recent news reports about events in California.

The recent news reports have resulted in misconceptions about the California I/M proposal. As a result, EPA Administrator Carol Browner will be sending letters to the Governors of those states required to adopt and implement enhanced I/M programs to clear up any confusion or misconceptions that may have arisen.

In the letter from the Service Station and Automotive Repair Association, it is stated that EPA recently announced that it would not impose sanctions on California while discussions take place. This is incorrect. EPA intends to publish a notice in the Federal Register proposing the imposition of federal highway funding sanctions statewide and 2:1 offset sanctions in the nonattainment areas of California. As is the case with all rulemaking actions, there will be a period of time between the proposal and any final action during which EPA accepts public comments and considers them in determining that final action. It is during this time that if the California legislature adopts legislation and submits a complete I/M state implementation plan (SIP) to EPA that the imposition of sanctions could be avoided.

The I/M regulation published by EPA on November 5, 1992 requires all enhanced I/M program areas to establish test-only networks unless the State can demonstrate that a test-and-repair network is equally effective. The regulation also sets a minimum performance standard that each state program has to meet. The performance standard allows states to craft a program where a

portion of the subject fleet is used to meet the performance standard while other portions are either exempted altogether or subjected to a less stringent I/M program which results in an emission reduction loss. EPA policy with regard to program design has been to allow flexibility when strict constraints are present to ensure that the emission reduction losses are tightly managed, quantified and accommodated by extra credit accrued in another portion of the program. This was the approach which was proposed by the State of California.

The proposal developed by California was a **test-only** network with the **limited use** of test-and-repair facilities. The program that was proposed by California required all vehicles to be initially tested at a test-only facility. The proposal would have allowed a small fraction of pre-1996 light duty vehicles that failed only the tailpipe emission test (i.e., no tampering or evaporative test failures) and were classified as marginally failing vehicles to be retested at specially qualified test-and-repair facilities. The test-and-repair portion of the program would have resulted in a decrease in the amount of emission reductions creditable toward the minimum federal performance standard necessary for program approval. The test-only portion of the program would have achieved more emission reductions than the federal performance standard required which would have made up for the decrease in creditable emission reductions from the test-and-repair portion of the program. This, in turn, would have resulted in the overall program meeting the minimum federal performance standard. However, this proposal was **not** passed by the California legislature.

The approach that was proposed by California would have been very expensive to implement. The costs of oversight and enforcement of the test-and-repair portion of the program would have added significantly to the overall costs. Careful analysis of the additional costs have not been attempted but a rough estimate would be that the per vehicle test cost could have risen as much as \$10 above California's current average test fee of \$32.

As far as implementing a program which is solely a test-and-repair network, the demonstration that is required to show equivalency with the test-only network must be based upon past program performance. As of today, it is not possible for any existing test-and-repair program, including the existing Pennsylvania program, implemented solely as a test-and-repair program to meet the performance standard. EPA has conducted extensive audits of existing test-and-repair I/M programs and has not found any that could demonstrate effectiveness equal to that of a test-only network.

Finally, EPA's I/M regulation requires Pennsylvania to submit a complete SIP (i.e., enabling legislation, state regulations and supporting documents) no later than November 15, 1993. Based on the time that was required for the Commonwealth to develop and adopt its new regulations on enhanced I/M, it is unlikely that Pennsylvania would be able to revisit its program design, adopt regulations and submit a complete SIP by the November 15th deadline. If this option was pursued by the Commonwealth and the November 15, 1993 deadline were not met, EPA would propose and potentially take final action to impose the highway and 2:1 offset sanctions. These sanctions could be imposed before the Commonwealth would be able to submit a complete SIP.

Thank you for the opportunity to discuss this matter with you. If this office can be of further assistance please do not hesitate to contact me again.

Sincerely,



Thomas J. Maslany, Director
Air, Radiation & Toxics Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 15 1993

Honorable Mark Singel
Acting Governor of Pennsylvania
Harrisburg, Pennsylvania 17120

THE ADMINISTRATOR

Dear Governor Singel:

I am writing regarding EPA's policy on automobile emission testing programs in light of recent news reports about events in California that seem to have caused confusion.

EPA's policy on enhanced inspection and maintenance (I/M) programs has not changed. The Clean Air Act requirements for I/M include two critical features: that enhanced I/M programs meet a minimum performance standard and enhanced I/M areas implement test-only programs unless a state can demonstrate, based on past performance, that a test-and-repair program is equally effective. Furthermore, EPA intends to use its discretionary authority to impose sanctions on any state, including California, which fails to adopt an acceptable program.

California recently proposed an enhanced I/M program that was shown to meet the performance standard. All vehicles in the proposed program would have been required to be tested at test-only stations. This insured that the performance standard would be met even though a limited number of marginally failing vehicles (failed using more stringent pass/fail standards) could be retested at so-called "Gold Shield" test-and-repair stations. Unfortunately, this program did not pass the California legislature, which adjourned on September 10, 1993 without passing I/M legislation.

We appreciate the difficulty and efforts of states that have already adopted or are about to adopt I/M legislation and are moving forward to meet the November 15, 1993 deadline for submission of their State Implementation Plans for I/M. Even though I have committed to working with California officials to resolve the issues between EPA and the State, I have informed California that EPA intends to publish a notice in the Federal Register on November 15, 1993 to propose under the discretionary authority in section 110(m) of the Clean Air Act, the imposition of federal highway funding sanctions statewide and 2:1 offset

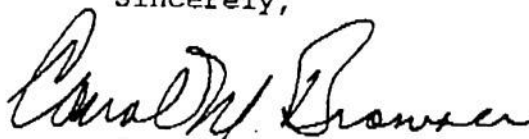


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sanctions in the nonattainment areas in California. The proposal will provide an opportunity for public comments. As is normally the case with all rulemaking actions, there will be a time lag between the proposal and the final action on imposing sanctions, and if the California legislature adopts an adequate I/M law quickly, the final imposition of sanctions early in 1994 can be avoided.

We must not lose sight of the underlying goal -- to enable every American to breathe clean air. Every segment of society, including large and small industries, will be asked to do their part. Motorists can do their part by getting their cars tested when scheduled and ensuring the cars are properly maintained. I ask for your continued support on these important clean air programs.

Sincerely,



Carol M. Browner



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

OCT 27 1993

James M. Salvaggio, Director
Bureau of Air Quality
Pennsylvania Department of Environmental Resources
P.O. Box 8468
Harrisburg, Pennsylvania 17105-8468

Dear Mr. Salvaggio:

This letter is in reply to your September 21, 1993 request that EPA respond to a report forwarded to the Pennsylvania Department of Environmental Resources (PADER) by PenJerDel, dated September 16, 1993, on the Philadelphia-Wilmington-Trenton ozone nonattainment area, commonly referred to as the Philadelphia area.

PenJerDel's report concludes that the Philadelphia ozone nonattainment area does not need to implement the Employer Trip Reduction (ETR) program because the area was incorrectly classified as severe based on an unreliable monitored ozone reading in Chester, Pennsylvania on September 11, 1989. According to PenJerDel, this monitored value should have been discarded because of traffic congestion on the day in question. PenJerDel also concludes that the next highest monitored ozone exceedance was in the serious nonattainment range, not severe. PenJerDel implicitly questions EPA's methodology on how ozone design values are calculated and offers other statistical tests to show that, using these other tests, the design value would not be in the severe nonattainment range. In support of a lower classification of "serious" for the Philadelphia nonattainment area, PenJerDel also asserts that the Philadelphia area can attain the ozone standard by November 15, 1999, which is the statutory deadline for serious ozone nonattainment areas.

EPA has evaluated the PenJerDel report and determined that the facts do not support its conclusions. In the first instance, traffic congestion in the area of a monitor typically results in localized decreased ozone monitored values because of increased nitrogen oxide formation which scavenges ozone. Ozone formation is a gradual process which would not be expected to occur at the site of the generation of the precursors, but instead, downwind from that site. Therefore, increased emissions from vehicle traffic around the Chester monitor might be expected to result in increased ozone readings at monitors downwind from Chester but not at the Chester monitor itself.

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11/12/93

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Secondly, the monitors in the Philadelphia nonattainment area all showed monitored values in approximately the same range, during the three year period between 1987 and 1989, with exceedances ranging from 0.140 ppm to 0.249 ppm. In fact, the next highest monitoring-site design value in the Philadelphia nonattainment area was at Lums Pond. That value was 0.180 ppm which was also in the severe nonattainment range, not in the "serious" range as claimed by PenJerDel. With specific regard to September 11, 1989, it should be noted that the peak ozone values at the other monitors in the Philadelphia nonattainment area were recorded at the same time as the Chester monitor's peak value.

Thirdly, section 181(a)(1) of the 1990 Clean Air Act requires design values to be calculated in accordance with EPA's methodology most recently issued before November 15, 1990. This methodology is that described in the June 18, 1990 memorandum from William G. Laxton, Director, Technical Support Division, to Regional Air Division Directors. This specific methodology has been used in calculating ozone design values since 1987. The final rulemaking on the designation and classification of areas published in the Federal Register on November 6, 1991 used the methodology described in the June 1990 memorandum to determine ozone design values and to classify areas with respect to ozone.


Finally, the data on vehicle miles traveled (VMT) show a growing trend in this emission indicator. EPA finds no reliable basis for concluding that the Philadelphia area can attain the ozone standard by 1999.

EPA has found no reason to conclude that an error was made in classifying the Philadelphia ozone nonattainment area as severe. Consequently, section 110(k)(6) of the Clean Air Act, which authorizes the Agency to correct errors in the classification or reclassification of areas, cannot serve as a basis for reclassifying Philadelphia from severe to any other ozone classification. It should also be noted that although the final rulemaking action classifying the area was promulgated on November 6, 1991, no petitions for reconsideration were filed under the Administrative Procedures Act, nor were any comments filed suggesting changes to the final action as explained in the final rulemaking notice.

Thus, the Philadelphia ozone nonattainment area will continue to be classified as severe and, the ETR program, as well as all other Clean Air requirements for severe ozone nonattainment areas, will continue to be required for the

Philadelphia area. EPA continues to support the Commonwealth in the development of all programs needed to attain and maintain the ozone standard in the Philadelphia severe ozone nonattainment area, including stationary, mobile and area source measures. If you have any questions about our analysis, please contact Ms. Marcia L. Spink, Chief, Air & Radiation Programs Branch at (215) 597-4713.

Sincerely,


 Thomas J. Maslany, Director
 Air, Radiation & Toxics Division

bcc:

Darryl Tyler
 Merrylin Zaw-Mon
 Robert Ostrowski
 William Baker - Reg 2
 Michael Shapiro
 Richard Ossias
 Thomas Helms
 John Silvasi
 David Cole
 Thomas Curran
 William Hunt
 Richard Wilson
 John Seitz
 Elizabeth Thompson
 Howard Hoffman
 IN HOUSE:
 Judy Katz
 Richard Kampf
 Janet Viniski
 Don Welsh
 Bob Kramer
 David Arnold
 Marcia Spink
 FAX TO:
 John Salvaggio
 Glann Hanson
 Ron Roggenburk - DVRPC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

TELECOPIER COVER SHEET

DATE: 10/15/93
TO: DAVE ORI
FAX #: 717-783-7944
OFFICE: PENN DOT - BMV
RE: I/M letters

MESSAGE:

Dave,
Attached are copies of letters to the
Gov. & Secretary Pirratano re: the testing
issue & Calif issue. Both letters should arrive
on Mon 10/15/93.

FROM: Dave Arnold
FAX #: 215-597-3156
1129

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

OCT 15 1993

Honorable Mario D. Pirratano
Deputy Secretary
Safety Administration
Commonwealth of Pennsylvania
Department of Transportation
Harrisburg, Pennsylvania 17120

Dear Mr. Pirratano:

Thank you for your letter of October 1, 1993 asking us to address the issues raised in a September 20, 1993 letter sent to Acting Governor Singel from the Service Station and Automotive Repair Association of Pennsylvania and Delaware. The September 20th letter questioned EPA's policy on the automobile enhanced inspection and maintenance (I/M) program in light of recent news reports about events in California.

The recent news reports have resulted in misconceptions about the California I/M proposal. As a result, EPA Administrator Carol Browner will be sending letters to the Governors of those states required to adopt and implement enhanced I/M programs to clear up any confusion or misconceptions that may have arisen.

In the letter from the Service Station and Automotive Repair Association, it is stated that EPA recently announced that it would not impose sanctions on California while discussions take place. This is incorrect. EPA intends to publish a notice in the Federal Register proposing the imposition of federal highway funding sanctions statewide and 2:1 offset sanctions in the nonattainment areas of California. As is the case with all rulemaking actions, there will be a period of time between the proposal and any final action during which EPA accepts public comments and considers them in determining that final action. It is during this time that if the California legislature adopts legislation and submits a complete I/M state implementation plan (SIP) to EPA that the imposition of sanctions could be avoided.

The I/M regulation published by EPA on November 5, 1992 requires all enhanced I/M program areas to establish test-only networks unless the State can demonstrate that a test-and-repair network is equally effective. The regulation also sets a minimum performance standard that each state program has to meet. The performance standard allows states to craft a program where a

OCT 12 1993

portion of the subject fleet is used to meet the performance standard while other portions are either exempted altogether or subjected to a less stringent I/M program which results in an emission reduction loss. EPA policy with regard to program design has been to allow flexibility when strict constraints are present to ensure that the emission reduction losses are tightly managed, quantified and accommodated by extra credit accrued in another portion of the program. This was the approach which was proposed by the State of California.

The proposal developed by California was a **test-only** network with the **limited use** of test-and-repair facilities. The program that was proposed by California required all vehicles to be initially tested at a test-only facility. The proposal would have allowed a small fraction of pre-1996 light duty vehicles that failed only the tailpipe emission test (i.e., no tampering or evaporative test failures) and were classified as marginally failing vehicles to be retested at specially qualified test-and-repair facilities. The test-and-repair portion of the program would have resulted in a decrease in the amount of emission reductions creditable toward the minimum federal performance standard necessary for program approval. The test-only portion of the program would have achieved more emission reductions than the federal performance standard required which would have made up for the decrease in creditable emission reductions from the test-and-repair portion of the program. This, in turn, would have resulted in the overall program meeting the minimum federal performance standard. However, this proposal was **not** passed by the California legislature.

The approach that was proposed by California would have been very expensive to implement. The costs of oversight and enforcement of the test-and-repair portion of the program would have added significantly to the overall costs. Careful analysis of the additional costs have not been attempted but a rough estimate would be that the per vehicle test cost could have risen as much as \$10 above California's current average test fee of \$32.

As far as implementing a program which is solely a test-and-repair network, the demonstration that is required to show equivalency with the test-only network must be based upon past program performance. As of today, it is not possible for any existing test-and-repair program, including the existing Pennsylvania program, implemented solely as a test-and-repair program to meet the performance standard. EPA has conducted extensive audits of existing test-and-repair I/M programs and has not found any that could demonstrate effectiveness equal to that of a test-only network.

Finally, EPA's I/M regulation requires Pennsylvania to submit a complete SIP (i.e., enabling legislation, state regulations and supporting documents) no later than November 15, 1993. Based on the time that was required for the Commonwealth to develop and adopt its new regulations on enhanced I/M, it is unlikely that Pennsylvania would be able to revisit its program design, adopt regulations and submit a complete SIP by the November 15th deadline. If this option was pursued by the Commonwealth and the November 15, 1993 deadline were not met, EPA would propose and potentially take final action to impose the highway and 2:1 offset sanctions. These sanctions could be imposed before the Commonwealth would be able to submit a complete SIP.

Thank you for the opportunity to discuss this matter with you. If this office can be of further assistance please do not hesitate to contact me again.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Thomas J. Maslany', written in a cursive style.

Thomas J. Maslany, Director
Air, Radiation & Toxics Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 15 1993

Honorable Mark Singel
Acting Governor of Pennsylvania
Harrisburg, Pennsylvania 17120

THE ADMINISTRATOR

Dear Governor Singel:

I am writing regarding EPA's policy on automobile emission testing programs in light of recent news reports about events in California that seem to have caused confusion.

EPA's policy on enhanced inspection and maintenance (I/M) programs has not changed. The Clean Air Act requirements for I/M include two critical features: that enhanced I/M programs meet a minimum performance standard and enhanced I/M areas implement test-only programs unless a state can demonstrate, based on past performance, that a test-and-repair program is equally effective. Furthermore, EPA intends to use its discretionary authority to impose sanctions on any state, including California, which fails to adopt an acceptable program.

California recently proposed an enhanced I/M program that was shown to meet the performance standard. All vehicles in the proposed program would have been required to be tested at test-only stations. This insured that the performance standard would be met even though a limited number of marginally failing vehicles (failed using more stringent pass/fail standards) could be retested at so-called "Gold Shield" test-and-repair stations. Unfortunately, this program did not pass the California legislature, which adjourned on September 10, 1993 without passing I/M legislation.

We appreciate the difficulty and efforts of states that have already adopted or are about to adopt I/M legislation and are moving forward to meet the November 15, 1993 deadline for submission of their State Implementation Plans for I/M. Even though I have committed to working with California officials to resolve the issues between EPA and the State, I have informed California that EPA intends to publish a notice in the Federal Register on November 15, 1993 to propose under the discretionary authority in section 110(m) of the Clean Air Act, the imposition of federal highway funding sanctions statewide and 2:1 offset

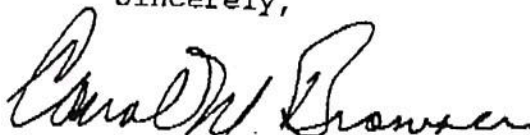


-2-

sanctions in the nonattainment areas in California. The proposal will provide an opportunity for public comments. As is normally the case with all rulemaking actions, there will be a time lag between the proposal and the final action on imposing sanctions, and if the California legislature adopts an adequate I/M law quickly, the final imposition of sanctions early in 1994 can be avoided.

We must not lose sight of the underlying goal -- to enable every American to breathe clean air. Every segment of society, including large and small industries, will be asked to do their part. Motorists can do their part by getting their cars tested when scheduled and ensuring the cars are properly maintained. I ask for your continued support on these important clean air programs.

Sincerely,



Carol M. Browner



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF
SECRETARY OF TRANSPORTATION

RECEIVED
Ozone & Mobile Sources
Section (SATIS)

OCT 12 1993

EPA, REGION III

October 1, 1993

Mr. David Arnold
Chief, Ozone Mobile Sources Section
Region 3, U.S. EPA
841 Chestnut Building
Philadelphia, PA 19107

Dear Mr. Arnold:

The Department recently received a copy of a letter sent to Acting Governor Mark Singel concerning EPA's apparent relaxation of the enhanced emission inspection (I/M) requirements as a concession to California's reluctance or refusal to adopt a more stringent I/M program. The letter was sent by the Service Station Automotive Repair Association of Pennsylvania Delaware, and a copy is enclosed.

As you are aware, the Department of Transportation and the Department of Environmental Resources have been able to promulgate clean air regulations, with legislative approval, in a timely manner. We were able to achieve this speedy action based on EPA's original position that all states must comply with the requirements of the Clean Air Act Amendments of 1990 and the corresponding November 6, 1992 Federal rulemaking 40 CFR Part 51, Inspection/Maintenance Program Requirements, Final Rule, or face mandatory, non-discretionary imposition of sanctions. This was further confirmed by EPA's ongoing correspondence with California authorities and EPA representatives' statements at various clean air meetings and seminars.

The recent spate of newspaper articles and other media attention on this issue has resulted in mixed signals being sent to other states and has caused the release of correspondence such as that enclosed.

The Department is about to select a contractor to develop and operate a centralized test-only network. We also plan to submit our State Implementation Plan (SIP) for the I/M program to the Environmental Quality Board (EQB) on October 19, 1993, for approval. Since the regulations and the RFP constitute the SIP submission, any challenge to them such as that expressed in the enclosed letter, could result in an unfavorable decision by the EQB.

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OFFICE OF THE
DIRECTOR

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U.S. DEPARTMENT OF JUSTICE

Mr. David Arnold
October 1, 1993
Page Two

It has been the Department's position that California enjoys a unique relationship with EPA, based on their longstanding contributions to improvement of vehicle emissions. Their Bureau of Automotive Repair (BAR) set and continues to approve standards for a number of vehicle emission analyzers. The amount of money and the number of personnel devoted to oversight of the air quality program also far exceed any other state's efforts. We do not believe that Pennsylvania could demonstrate to EPA's satisfaction that our current decentralized program, even with major modifications, will meet the required standards.

I feel it would be helpful if you could provide a letter to us addressing the statements and theme of the letter from the Service Station Association. We would appreciate a response if possible prior to the EQB meeting to forestall any unfavorable action by that body. If you have any questions, please contact David Ori at (717)787-3184. Thank you.

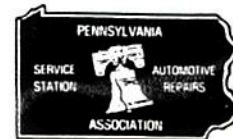
Sincerely,

A handwritten signature in blue ink, appearing to read "Mario D. Pirratano", with a stylized flourish at the end.

Mario D. Pirratano
Deputy Secretary
Safety Administration

Enclosures

SERVICE STATION AND AUTOMOTIVE REPAIR ASSOCIATION OF PENNSYLVANIA DELAWARE



Administrative Office-East: 1220 Valley Forge Road, Unit #5, P.O. Box 911, Valley Forge, PA 19481	215-935-8203/800-362-5695
Administrative Office-West: George L. (Pete) Spahr, 2034 Swallow Hill Road, Unit #25, Pittsburgh, PA 15220	412-276-4451
Pennsylvania Government Relations Office: John J. Kulik, P.O. Box 119, Camp Hill, PA 17011	717-731-9643
Delaware Government Relations Office: Francis J. (Mike) O'Neill, Jr., P.O. Box 3727, Wilmington, DE 19807-3727	302-652-7230

September 20, 1993

Honorable Mark Singel
Acting Governor
Commonwealth of Pennsylvania
Main Capitol
Harrisburg, Pennsylvania 17120

SEP 20 1993

Dear Governor:

This is to bring to your attention a matter of urgent concern to Pennsylvania's automotive repair industry and the motoring public.

As you are aware, the Pennsylvania Department of Transportation has promulgated a regulation which creates a centralized emissions inspection program for most of the state's highly populated counties. This program would require that motorists once every two years have their vehicles inspected at centralized facilities run by a contractor selected by the state. Motorists failing the test would be required to have their vehicles repaired at facilities independent of the test center. The vehicle would then have to return to the test center for a retest.

The position of our Association regarding this program is well documented in our comments to the legislature and in our capacity as members of the Advisory Committee established by statute to work with Penndot in this matter. Simply stated, we have felt that the centralized program adopted by the state represents the the most ineffecient method of enhancing the emissions inspection program in the state, and that it will impose far more of a burden than is necessary on Pennsylvania drivers.

When our Association and others attempted to discuss other approaches to this program, Penndot and its supporters rebuffed us with almost religious fervor, saying that EPA dictated a certain way, and that was that.

It has always been our contention that if Pennsylvania state government stood up to EPA, we could design a reasonable program that would take into account the needs of Pennsylvania citizens and small businesses. Our concerns were brushed aside. The overriding concern was federal sanctions and the loss of federal highway funds.

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PENNA. DEPT. OF TRAN.
SEP 23 1993
SECRETARY'S OFFICE

The state of California took the opposite position. In a combined effort of its Republican Governor, Democratic legislative leadership, and Democratic Senators, as well as the Environmental Protection Agency in the state, California stood by its consumers and small business community and fought the EPA mandate.

The result: EPA recently announced that it would not impose sanctions on California while discussions take place through next January in an attempt to come up with an acceptable program. The enclosed Wall Street Journal article sums up the situation.

Pennsylvanians do not deserve any less consideration than Californians in this matter.


The statute creating the emissions inspection program specifically provides that the state not exceed federal minimum requirements in its program. Senator Barry Stout, chairman of the Senate Transportation Committee, had the foresight to amend a bill awaiting Senate action on its return, that would require the Commonwealth to reopen this issue if any development occurred which would provide for federal recognition of a program less stringent than the centralized program insisted upon by EPA pre-California.

With all of this in mind, we strongly urge you to do the following until this situation becomes clearer:

1. Block the award of any contract pursuant to the pending PennDOT RFP for a contractor to run the inspection centers
2. Convene a panel to examine this issue and, if need be, design a new proposal for presentation to EPA. We would urge that this panel be independent of any specific state agency.

Recently, you called for a Commission to examine Reinventing Government in Pennsylvania. There is a prime opportunity in the case of the emissions program to stop bureaucracy before it gets the state further mired in a morass unprecedented in this state.

Sincerely,


Pete Laviola, President

MONDAY, SEPTEMBER 18, 1993

California Gets EPA Reprieve On Auto Tests

Agency Delays on Sanctions For Failure to Comply With Clean-Air Laws

By ANDY PASZTOR

Staff Reporter of THE WALL STREET JOURNAL

LOS ANGELES—In the face of last-minute arm-twisting by fellow Democrats, the head of the Environmental Protection Agency gave California a reprieve from sanctions for failing to comply with federal clean-air laws.

The California Legislature adjourned over the weekend without adopting a centralized, state-operated auto-testing program demanded by Washington. But Carol Browner, EPA administrator, whose staff just a few days earlier was poised to begin immediately the formal process of withholding almost \$800 million in highway-construction funds from the economically hard-pressed state, reversed course at the final hour. Prompted by public howls of protest from state lawmakers and a quiet, personal appeal from California's Democratic Sen. Dianne Feinstein, the EPA chief last Friday gave the state several more months to come up with an inspection program acceptable to her agency.

"It is time to stop the rhetoric and stop the threats," Sen. Feinstein told the EPA chief in a letter last week.

The EPA's response, however, left unresolved the basic economic and scientific arguments driving the dispute. California state lawmakers want to protect a booming industry of 9,000 local garages and private testing stations that currently repair and perform emission checks on vehicles; they argued that setting up an expensive, state-run system won't yield environmental benefits. The EPA contends, just as vehemently, that California's existing smog-check system is prone to fraud, costs motorists more than the federal alternative, and won't meet clean-air standards unless repair and testing functions are separated.

Before her surprise about-face, the EPA chief said that if the legislature balked she would move "unequivocally" to start the "clock ticking" right away on sanctions -- endangering tens of thousands of highway construction jobs, risking almost \$2 billion annually in road funds and threatening additional controls on growth in the already economically reeling state. EPA officials had insisted that they had the full support of the White House, the Transportation Department and other parts of the administration.

The political risks of an immediate confrontation with the state, however, apparently were deemed too formidable by the administration. Fallout from the debate, now certain to drag into next year, nevertheless is likely to influence the impending gubernatorial race in the country's most populous state and create political ripples far outside California. White House officials "are missing the big picture," said Richard Katz, chairman of the state Assembly's transportation committee and an early Clinton backer, "if they think they can force a centralized solution" to auto-emissions testing in California "and then come back to the state for electoral purposes."

The EPA's decision to hold off on sanctions was largely symbolic, because it would have taken the agency until early 1994 anyway to actually withhold federal funds from California. Still, the issue is shaping up as a test of wills between Gov. Pete Wilson, a Republican incumbent searching for a campaign boost, and Clinton administration officials otherwise eager to court California voters and demonstrate the White House's commitment to regulatory reform.

Once the EPA chief offered to delay the start of sanctions and vowed to continue discussions with the state, state leaders opted to defer action on any bill. The leading measure, which had been strongly opposed by the EPA, called for enhanced enforcement of private testing stations and stepped-up roadside pollution checks. But the bill eventually stalled in the state Senate, partly because of the EPA's new stance and partly because leaders of some national environmental groups backed away from a compromise package and ordered their local representatives to oppose it.

Enacting legislation in January could prove equally tough because two-thirds of the Legislature will have to get behind any bill to put it into effect quickly. And a flurry of recent reports from outsiders, including Rand Corp., a prominent think tank,

Please Turn to Page A3, Column 2

California Is Given More Time to Meet Clean-Air Standards

(Continued From Page A2)

conclude that the EPA's auto-testing concepts are technically flawed.

Dick Wilson, head of the EPA's office of mobile sources, earlier this month criticized state environmental officials for quietly urging imposition of a centralized system but then trying to pin the blame on Washington. "Part of our role here is to be the gorilla in the closet," he said.

If the Legislature doesn't enact an auto-testing bill acceptable to the agency, the EPA unilaterally could impose its own clean-air plan cracking down on oil refineries, manufacturing plants and other stationary sources of pollution. On the other hand, if California succeeds in crafting its own testing plan, that could prompt other states to have second thoughts about state-run auto-testing systems demanded by the EPA.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

JUL 2 1993

Mr. John Pachuta, Director
Bureau of Motor Vehicles
Pennsylvania Department of Transportation
P.O. Box 8697
Harrisburg, Pennsylvania 17105

Dear Mr. Pachuta: *John*

We have received a May 24, 1993 letter from David L. Ori, Manager, Vehicle Control Division transmitting draft regulations for Pennsylvania's motor vehicle enhanced Inspection and Maintenance (I/M) program. Please find enclosed EPA's comments on these draft regulations. Please contact Kelly Bunker at (215) 597-4554 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Marcia".

Marcia L. Spink, Chief
Air & Radiation Programs Branch

Enclosure

EPA's Comments on the Draft Regulations for Pennsylvania's
Enhanced I/M Program (draft regulations date 5/24/93)

1. Pennsylvania's existing program is an annual, sticker enforced program. The draft regulations propose a biennial, registration enforced program; however, Pennsylvania will continue to require the presence of the emission sticker on the windshield of the vehicle. Pennsylvania Department of Transportation (PADOT) has asked EPA whether it would be acceptable if one-half of the existing test population be given a two year sticker during the last year of the existing annual program (i.e. January to December 1994). The reason for this request is because one-half of the existing test population will not be subjected to the enhanced I/M program until the second year of the biennial cycle (i.e. January to December of 1996). If these vehicles were given a one year sticker during the last year of the existing program (the sticker would expire somewhere between January to December of 1995) they would be driving with an expired sticker during the first year of the enhanced I/M program. Law enforcement officials in the Commonwealth enforce the sticker requirement and will issue citations to violators. These motorists could then be given a citation for driving without a valid emission sticker. In order to prevent this problem, PADOT would like to issue a two year sticker to these motorists.

EPA would not object if PADOT issued a two year sticker to one-half of the existing test population during the last year of the existing annual program (i.e. January to December 1994).

2. In May of 1993 a I/M technical guidance document entitled "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications" was released. Since the release of the document it has been determined that the IM240 emission standards and the specifications for the purge meter found in the document must be revised. EPA anticipates releasing the revised version by the end of July. EPA intends to propose the test procedures and related requirements found in the document as a rulemaking in October of this year. They would then be promulgated and included in Part 85 of the Code of Federal Regulations. The equipment specifications, emission standards, test procedures and quality control requirements found in this document should be included in the Pennsylvania I/M regulation.

3. Page 21, number 9 - Since the Pennsylvania program will require a pressure and purge test for all 1977 and later model year vehicles, a visual inspection for the presence of the catalytic converter and fuel inlet restrictor is not necessary and will not result in any additional credits.

4. Pages 34-36 - The phase-in and permanent transient emission

test standards listed here are acceptable for light-duty vehicles. However, separate standards for light-duty trucks (LDGT1&2) and Tier 1 vehicles must be included in the Pennsylvania regulation. In addition, second chance cutpoints must be included. The cutpoints for LDGT1&2 and Tier 1 vehicles and the second chance cutpoints are found in the amended version of the "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications" which is anticipated to be released by the end of July.

5. Page 43, number 10 - As per section 51.369(b) of the EPA I/M regulation, the percentage of vehicles passing on the first retest should be included as part of this information requirement.

6. Page 50, on-road testing - EPA is aware that the type of on-road testing (i.e. remote sensing devices or roadside pullovers) to be conducted by Pennsylvania will be decided as part of the RFP process. EPA notes that once this decision is made then emissions standards for hydrocarbons (HC), carbon monoxide (CO) and nitrogen oxides (NOx) should be included in this section of the regulation. If remote sensing is the method decided upon then CO standards are only required at this time. However, remote sensing measurement test results of the HC and NOx emissions must still be collected, recorded and retained. If standards for HC and NOx are developed in the future they should also be included in the regulation.

7. Page 60 - The Pennsylvania I/M regulation requires the use of the steady state idle test for 1968-1976 model year vehicles. The steady state idle test equipment requirements should be for model years 1968-1976 not for model years 1968-1981 as is stated on page 60.

8. Page 60 - Why is two-speed idle test equipment specified in the regulation when the Pennsylvania program does not require two-speed idle testing?

9. Sections 51.361 (5) and (10) of the EPA I/M regulation require penalties to be developed for motorist non-compliance and registration fraud. These requirements do not appear to be addressed in the regulation. Will these requirements be addressed in another form other than regulation?

**CONTROLLED CORRESPONDENCE
FROM THE
GOVERNMENT AFFAIRS BRANCH**

CONTROL NUMBER: **AL9305334**

RECEIVED FROM/RESPOND TO:

Honorable Tim Holden
House of Representatives
Washington, D.C. 20515

Dear Mr. Holden:

SUBJECT: Reclassify Reading Moderate Ozone Nonattainment Area

RECEIVED IN GAB: 12/17/93

DATE DUE IN GAB: **12/30/93**

DATE SIGNED: DEC 30 1993

REFERRED ONLY TO THE DIVISION POC IN BOLD PRINT ON: 12/20/93

Air, Radiation and Toxics Division (Dottie Todd)

Chesapeake Bay Program (Kim Lonasco)

Environmental Services Division (Gayl Solomon)

Hazardous Waste Management Division (Alicia Walls)

Office of External Affairs (Angela Cochnar)

Office of Policy and Management (Marie Owens)

Office of Regional Counsel (Geri DiSantis)

Water Management Division (Louvinia Madison-Glenn)

SPECIAL INSTRUCTIONS: When responding to correspondence controlled to the Region from headquarters, please state (in the first paragraph of the response) that we are responding on behalf of whoever the letter was addressed to at headquarters.

CONTROL SLIP FOR OFFICE OF CONGRESSIONAL CORRESPONDENCE

5

CONTROL NO : AL9305334 DUE DATE: 01/03/94
FROM : HOLDEN, TIM D/PA CORRES. DATE: 12/14/93
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515 RECEIVED: 12/17/93
ASSIGNED: 12/17/93
SALUTATION : DEAR CONGRESSMAN HOLDEN: CLOSED : / /

CONSTITUENT :

SUBJECT : THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCE'S
(DER) REQUEST THE READING MODERATE OZONE NONATTAINMENT AREA
HE RECLASSIFIED AS OZONE ATTAINMENT AREA

SIGNATURE : REGIONAL ADMINISTRATOR

COURTESY COPIES:

ADMINISTRATOR
OAR

DEPUTY ADMINISTRATOR
OCLA/HICKMOTT

ASSIGNED : REGION 03

INSTRUCTIONS: SEND "HARD" COPY OF REPLY ALONG WITH ORIGINAL CONTROL SLIP
TO MYRTLE LASHLEY (1301) HEADQUARTERS.

IMS: MDL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

DEC 30 1993

Honorable Tim Holden
House of Representatives
Washington, D.C. 20515

Dear Mr. Holden:

Thank you for your December 14, 1993 letter expressing support for the Pennsylvania Department of Environmental Resource's request to redesignate the Reading ozone nonattainment area to attainment. Region III is making every effort to review the Commonwealth of Pennsylvania's request for redesignation in a timely manner.

EPA is currently in the process of conducting a review of the Commonwealth's November 12, 1993 submittal to determine whether or not the redesignation request is complete. The following criteria will be used to determine approvability of the redesignation request and maintenance plan in accordance with section 107(d)(3)(E) of the Clean Air Act, as amended. The request must contain evidence that:

1. The national ambient air quality standards (NAAQS) have been attained based on monitoring data.

2. The applicable implementation plan has been fully approved by EPA under section 110(k) of the Clean Air Act, as amended.

3. The improvement in air quality is due to permanent and enforceable reductions in emissions.

4. The Commonwealth has met all applicable requirements for the areas under section 110 and Part D of the Clean Air Act, as amended.

5. The EPA has fully approved a maintenance plan, including contingency measures for the area under section 175(A) of the Clean Air Act, as amended.

EPA anticipates publishing a Notice of Proposed Rulemaking in June 1994. The ultimate decision on the redesignation request and maintenance plan will be made after consideration of the public comments received during the public comment period. EPA expects that a final decision will be made by November 1994.

If additional information is needed, please feel free to contact this office.

Sincerely,



for Stanley L. Laskowski
Acting Regional Administrator

HL 9305334

TIM HOLDEN
6TH DISTRICT, PENNSYLVANIA

1421 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-5546

BERKS COUNTY SERVICES CENTER
633 COURT STREET
READING, PENNSYLVANIA 19601
(215) 371-9931

303 MERIDIAN BANK BUILDING
POTTSVILLE, PENNSYLVANIA 17901
(717) 622-4212



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

December 14, 1993

COMMITTEE ON AGRICULTURE
ENVIRONMENT, CREDIT, AND
RURAL DEVELOPMENT SUBCOMMITTEE

DEPARTMENT OPERATIONS AND
NUTRITION SUBCOMMITTEE

LIVESTOCK SUBCOMMITTEE

COMMITTEE ON ARMED SERVICES
MILITARY ACQUISITIONS SUBCOMMITTEE

OVERSIGHT AND
INVESTIGATIONS SUBCOMMITTEE

The Honorable Carol Browner
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Ms. Browner:

I write in strong support of the Pennsylvania Department of Environmental Resource's (DER) request that the Reading moderate ozone nonattainment area be reclassified as an ozone attainment area. Secretary of Pennsylvania DER, the Honorable Arthur Davis, submitted a request for reclassification on November 15th, and I urge you expeditious and favorable consideration of this request.

As you know, Reading's designation as a moderate ozone nonattainment area was established on November 6, 1991 and was based on a design value of 0.141 ppm, measured in 1988. Since the 1987-89 time frame that EPA used to establish ozone designations and classifications, Reading's air quality has improved significantly. Indeed, data from the recent three year period of analysis shows that Reading's air quality (in this instance, maximum ozone concentration) is below the design value of 0.12 ppm and thus is in compliance with the National Ambient Air Quality Standards (NAAQS). Ambient air data was obtained from two monitoring sites, one in Kutztown and one in Reading, and give an accurate representation of ozone levels throughout Berks County.

The data show further that this improvement in air quality stems from permanent and enforceable reductions in ozone volatile organic compounds (VOC), from 85 tons per day in 1988 to 66 tons per day in 1992. Projections show that VOC, oxides of nitrogen and carbon monoxide emissions are expected to decline over the next decade by 26%, 12% and 49% respectively.

Since it appears that all requirements for redesignation to attainment under Section 107 (d) (3) (E) have been met, the redesignation from moderate nonattainment to attainment should be in order. Please advise me at your earliest convenience as to how you plan to proceed on this matter.

Sincerely,


TIM HOLDEN
Member of Congress

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received
12/16/93

**CONTROLLED CORRESPONDENCE
FROM THE
GOVERNMENT AFFAIRS BRANCH**

CONTROL NUMBER: **ACIR-93-111**

RECEIVED FROM/RESPOND TO:

Honorable Harris Wofford
United States Senator
9456 Green Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Senator Wofford:

SUBJECT: Clean Air Act Reclassification
CONSTITUENT: Chester County Chamber of Business & Industry

RECEIVED IN GAB: 6/15/93

DATE DUE IN GAB: 6/29/93

DATE SIGNED: JUN 30 1993

REFERRED TO FOLLOWING DIVISION POC: 6/15/93

**COPY FOR YOUR
INFORMATION**

Air, Radiation and Toxics Division (Dottie Todd)
Chesapeake Bay Program (Kim Lonasco)
Environmental Services Division (Gayl Solomon)
Hazardous Waste Management Division (Alicia Walls)
Office of External Affairs (Angela Cochnar)
Office of Policy and Management (Marie Owens)
Office of Regional Counsel (Geri DiSantis)
Water Management Division (Louvinia Madison-Glenn)

RECEIVED

JUN 15 1993

**AIR, RADIATION & TOXICS
Division**

Spink
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COPY FOR YOUR
INFORMATION

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

JUN 30 1993

Honorable Harris Wofford
United States Senator
9456 Green Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Senator Wofford:

Thank you for your June 7, 1993 letter, bringing to my attention the Chester County Chamber of Business and Industry's concerns related to the Employer Trip Reduction (ETR) requirement contained in the Clean Air Act (CAA). As required by sections 107 and 181 of the CAA, areas have been designated and classified, regarding ozone standard attainment status, based upon 1987-1989 monitored ozone data, which were the most recent available data at the time of passage of the Clean Air Act Amendments of 1990. The Environmental Protection Agency (EPA) published each ozone nonattainment area's classification on November 6, 1991 in the Federal Register. The CAA also required that EPA designate and classify areas based on the Consolidated Metropolitan Statistical Area (CMSA) or Metropolitan Statistical Area (MSA) determined by the Bureau of Census. The Philadelphia CMSA (Philadelphia-Wilmington-Trenton) area includes Chester County. The entire Philadelphia CMSA has been classified as "severe" nonattainment for ozone. The CAA requires ozone nonattainment areas classified as severe or above to implement, among other air pollution control requirements, an ETR program.


Regarding Mr. Robert Thompson's request for "reclassification" of Chester County, there are provisions in the CAA for redesignating a nonattainment area to full attainment status, once ambient ozone standard attainment is monitored and other specific redesignation requirements found at section 107(d)(3)(E) are met. However, for areas that have not yet reached full attainment status, the CAA contains no provision to allow reclassification of such areas to a lower nonattainment classification as discussed in Mr. Thompson's letter. Therefore, the Greater Philadelphia area remains subject to the ETR requirement.

We recognize that improved ozone levels have indeed been monitored in many Pennsylvania areas since the 1987-1989 period. However, ambient ozone levels have historically fluctuated from year to year as meteorological conditions vary. Recognizing that those meteorologically-induced fluctuations occur, the CAA requirements were designed to remain fixed for each area until it is clearly demonstrated, on a case by case basis, that each area has reached full attainment of the National Ambient Air Quality Standard for ozone.

Traffic improvements or other measures which help to reduce summertime ozone levels and which occurred after 1990 are potentially creditable in the state's attainment plan. Implementation of these measures now, however, does not affect the ozone classification for an area, which was determined pursuant to section 181 of the CAA. The use of oxygenated fuels in the winter months and transportation improvements which reduce carbon monoxide (CO) emissions do not affect the summertime ozone levels in the Philadelphia area.

We appreciate your interest in these issues and the opportunity to respond to them. If you have any additional questions, please feel free to contact this office.

Sincerely,


for Stanley L. Laskowski
Acting Regional Administrator

cc: Robert J. Thompson, President
Chester County Chamber of Business and Industry

HARRIS WOFFORD
PENNSYLVANIA

PHILADELPHIA OFFICE
9456 FEDERAL BUILDING
600 ARCH STREET
PHILADELPHIA, PA 19106
(215) 597-9914

United States Senate

WASHINGTON, DC 20510-3803

June 7, 1993


Regional Administrator
Environmental Protection Agency
841 Chestnut Street
Philadelphia, PA 19107

Dear Sir/Madam:

The attached correspondence from Mr. Robert Thompson is submitted for your review and consideration. I would be most appreciative if you would advise me in writing of your action on this matter and return the attached correspondence with your reply.

Please direct your reply to Senator Harris Wofford, 9456 Green Federal Building, 600 Arch Street, Philadelphia, PA, 19106, Attention: Karen Sugarman.

Sincerely,


Harris Wofford

HW/ks

Chester County Chamber
OF BUSINESS & INDUSTRY

Robert J. Thompson
President

March 24, 1993

TO: Major Employers
Fellow Chambers
Regional Elected Officials
Legislative Delegation
Congressional Delegation

FROM: Bob Thompson

SUBJECT: Request for Clean Air Act Reclassification

We are requesting your support on an issue critical to the economy of the Region.

We need you to join us in asking Governor Casey to exercise his powers under the Clean Air Act to petition the EPA for a RECLASSIFICATION OF THE REGION AS A NON-ATTAINMENT AREA.

As you know, our region has been placed in the severe non-attainment category. As a result, employers -- both public and private -- with more than 100 workers at a single site will be required to develop and implement plans to reduce the overall number of cars their employees drive to work each day.

Those plans would include the use of public and alternative forms of transportation, car and van pools, economic incentives, and disincentives for commuting to work via automobile.

At best, the proposed regulations would be costly to implement. In many instances, they would be impossible to achieve. Further, only the southeastern region of the Commonwealth is affected.

The Chamber and many employers have submitted testimony. There have been ongoing discussions on the definition of the region, number of zones, and the targets for vehicle occupancy, etc.

Throughout the process, however, one question remains unanswered: **Is the region really in the severe non-attainment category?**

We think it isn't. And we have asked Governor Casey to request a reclassification. Our reasons are outlined in the attached letter we sent to him earlier this week.

Hopefully you will join us by writing to the Governor and telling him you agree with us. This is one regional issue on which I feel we can all agree.

If you have any questions, or need additional information, please let me know.

Chester County Chamber

OF BUSINESS & INDUSTRY

Robert J. Thompson
President

March 22, 1993

The Honorable Robert P. Casey
Governor
Commonwealth of Pennsylvania
Main Capitol
Harrisburg, PA 17120

Dear Governor Casey:

As you know, the Clean Air Act of 1990 mandates that businesses in areas of severe non-attainment employing more than 100 people at a single site develop and implement Employee Trip Reduction plans to increase occupancy of the vehicles going to and from the workplace during the morning rush hour.

The Department of Environmental Resources has issued draft regulations and has been most cooperative in seeking input from the affected businesses in the region -- the only area in the Commonwealth deemed to be in severe non-attainment of the new standards.

The Chester County Chamber of Business & Industry and a number of its members offered testimony during hearings held by the Environmental Quality Board. The Chamber also is working with its counterparts in the region to develop a consensus on Average Vehicle Occupancy (AVO) targets within the region.

The issue before us, however, is not the numbers involved with AVO's or APO's, or whether or not there are single or multiple compliance zones. Nor is it the cost involved with meeting them, although it will put employers in Philadelphia and the adjacent four counties at a disadvantage with counterparts in other regions of the Commonwealth. Nor is it the fact that the population density in suburban counties, a lack of public and alternative transportation, and workplace sprawl in rural areas of the affected region will make compliance with the proposed regulations extremely difficult -- if not impossible.

Rather, the Chamber seriously questions the region's current severe non-attainment classification. It strongly urges that before employers are required to develop and implement costly and possibly unattainable plans -- and before the Department of Environmental Resources sets up the bureaucratic measures needed to monitor them -- you, the affected employers, their workers, and the county and local government officials involved are assured those plans are indeed necessary.

Governor Casey - 2

We urge you to utilize Subsection 107 (d) of the Act and request a reclassification of the region as you did in 1990 to appeal the original classification.

We offer the following reasons for making the request:

- . The accuracy and age of the data utilized in determining the classification. Data was collected in a three-year period ending in 1989. No ozone monitoring took place in Chester County.

- . Transportation infrastructure improvements made subsequent to the earlier monitoring which have reduced congestion and subsequent idling and CO emissions from vehicle exhaust, including, among others:

- . completion of on-off ramps on Route 95 in the Philadelphia area;
- . construction of the Vine Street Expressway in Center City Philadelphia; and
- . the opening of the Blue Route in Montgomery and Delaware Counties.

- . The full season's use of oxygenated fuels by motorists purchasing gasoline in the region.

Further, it is the understanding of the Chamber that the threshold for a severe non-attainment rating is .18 parts per million. We also understand that the region's ozone content when the tests were taken to determine the classification was .187 ppm.

Since the air quality barely made the "severe" classification three years ago, logic would dictate that ensuing events may have improved it sufficiently to eliminate enforcement of the onerous sanctions. In fact, a report issued by the EPA states that if the same data were used for the years 1989 through 1991, the Philadelphia region would change from "severe one" status to "moderate" non-attainment status.

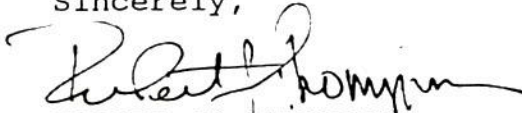
The Chamber, its 800 members, and more than 3,000 employers who are members of local affiliate chambers in Chester County, support the concept of a clean environment and pledge their efforts to protect it.

However, we strongly feel, given this information, the lack of alternatives, and the economic hardship regional employers -- both public and private -- would incur to meet the regulations imposed under a severe non-compliance classification, it is in the best interests of the Commonwealth, its businesses, and the citizens they employ, that we be assured that a problem exists before costly, unnecessary actions are taken to solve it.

Governor Casey - 3

We ask for your intercession and offer our assistance -- and that of our members -- to solve this serious problem.

Sincerely,



ROBERT J. THOMPSON



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

JUN 30 1993

Honorable Harris Wofford
United States Senator
9456 Green Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

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We appreciate your interest in these issues and the opportunity to respond to them. If you have any additional questions, please feel free to contact this office.

Sincerely,

Stanley L. Laskowski
Acting Regional Administrator

cc: Robert J. Thompson, President
Chester County Chamber of Business and Industry

bcc: Wick Havens, PA DER

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CONCURRENCES							
SYMBOL	▶ 3AT13	3AT13	3AT10	3AT00	3EA10	3RA00	
SURNAME	▶ STAHL	ARNOLD	SPINK	MASLANY	WELSH	LASKOWSKI	
DATE	▶ 6/29/95	6/29/95	6/29/95		6/29/95		

